

D. Michael Lynn
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 State Bar I.D. No. 02589100
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ATTORNEYS FOR DEFENDANT JAMES DONDERO

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

In re:	§	Case No. 19-34054
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.	§	Chapter 11
	§	
Debtor.	§	

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff.	§	
	§	
v.	§	
	§	
JAMES D. DONDERO,	§	Adversary No. 20-03190
	§	
Defendant.	§	

JAMES DONDERO’S SECOND AMENDED WITNESS AND EXHIBIT LIST

Defendant James Dondero (“Dondero”) hereby files this Second Amended Witness and Exhibit List with respect to the hearing on *Plaintiff’s Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should not be Held in Civil Contempt for Violating the TRO* [Adv. Dkt. 48] and *Debtor’s Memorandum of Law in Support of Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating*

the TRO [Adv. Dkt. 49] (collectively, the “Contempt Motion”) set for hearing on February 23, 2021 at 9:30 a.m. (the “Hearing”) in the above-styled adversary proceeding (the “Adversary Proceeding”).

A. Documents that Dondero may use as exhibits:

Dondero Exhibit No.	Description	Offered	Objection	Admitted by Agreement	Admitted
1.	Amended and Restated Shared Services Agreement, dated effective as of January 1, 2018, by and between Highland Capital Management, L.P. and NexPoint Advisors, L.P.				
2.	Second Amended and Restated Shared Services Agreement by and between Highland Capital Management, L.P. and Highland Capital Management Fund Advisors, L.P., dated February 8, 2013				
3.	Debtor’s Responses and Objections to Defendant James Dondero’s First Set of Discovery Requests to Highland Capital Management, L.P.				
4.	Debtor’s Notice of Termination of Shared Services Agreement with NexPoint Advisors, L.P. effective January 31, 2021				
5.	Debtor’s Notice of Termination of Shared Services Agreement with Highland Capital Management Fund Advisors, L.P. effective January 31, 2021				
6.	Employee Handbook of Highland Capital Management, L.P.				
7.	Debtor’s Response to Mr. James Dondero’s Motion for Entry of an Order Requiring Notice and Hearing				

	for Future Estate Transactions Occurring Outside the Ordinary Course of Business [Docket No. 1546]				
8.	Term Sheet [Dkt. 354 and 354-1]				
9.	Email from Debtor's counsel to Dondero's counsel, dated December 23, 2020				
10.	Dondero's Objections and Responses to Debtor's First Request for Production				
11.	Email from Bryan Assink to Debtor's counsel containing Dondero's Objections and Responses to Debtor's First Request for Production, dated December 31, 2020				
12.	Sub-Advisory Agreement between NexPoint Advisors, L.P. and Highland Capital Management, L.P.				
13.	Payroll Expense Reimbursement Agreement dated effective as of January 1, 2018 by and between NexPoint Advisors, L.P. and Highland Capital Management, L.P.				
14.	Payroll Expense Reimbursement Agreement dated effective as of May 1, 2018 by and between Highland Capital Management Fund Advisors, L.P. and Highland Capital Management, L.P.				
15.	Transcript of December 10, 2020 Hearing				
16.	Email chain between Douglas Draper, John Morris, and Isaac Leventon regarding Dugaboy documents, dated December 16, 2020				

17.	Email chain between Douglas Draper and John Morris regarding Dugaboy documents, dated December 18, 2020				
18.	Email chain between Douglas Draper and John Morris regarding Dugaboy documents, dated December 18, 2020				
19.	Email chain between Douglas Draper and John Morris regarding Dugaboy documents, dated December 23, 2020				
20.	Email chain between Douglas Draper and John Morris regarding Dugaboy documents, dated January 14, 2021				
	Any document or pleading filed in the above-captioned bankruptcy case or adversary proceeding				
	Any exhibit necessary for impeachment or rebuttal purposes				
	Any and all documents identified or offered by any other party				

Dondero reserves the right to supplement this Exhibit List should he determine that any other document may be helpful to the trier of fact, whether in his case in chief or rebuttal.

B. Witnesses that Dondero may call to testify:

1. James Dondero;
2. James P. Seery, Jr.;
3. Scott Ellington;
4. Isaac Leventon;
5. Jason Post;
6. Any and all other witnesses identified or called by any other party; and
7. Any witness necessary for rebuttal.

Dondero reserves the right to supplement this Witness List should he determine that any other witness may be helpful to the trier of fact, whether in his case in chief or rebuttal.

Dated: February 20, 2021

Respectfully submitted,

/s/ Bryan C. Assink

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ATTORNEYS FOR DEFENDANT JAMES DONDERO

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on February 20, 2021, a true and correct copy of the foregoing document with exhibits was served via the Court's CM/ECF system on all parties requesting or consenting to such service in this case.

/s/ Bryan C. Assink

Bryan C. Assink